

[LOCAL COURT LETTERHEAD]

Administrative Order [year] - [number]

APPOINTMENT OF NON-ATTORNEY MAGISTRATE

IT IS ORDERED:

This administrative order is issued in accordance with MCL 600.8501; MSA 27A.8501 and MCL 600.8503; MSA 27A.8503. The purpose of this order is to appoint a non-attorney magistrate to perform specified duties upon approval by the State Court Administrative Office.

1. The judges of the ____ District Court appoint [insert full name of magistrate] as magistrate with the approval of [insert name of district control unit]. [Note: For 3rd class district courts which contain two or more governmental units within the judicial district, obtain and reference approval by the governing body or bodies of the district, which individually or in the aggregate, contain more than 50% of the population of the district. See MCL 600.8501(2)]

2. [insert full name of magistrate]:

- a. Is registered as an elector in the [insert either "county" for 1st and 2nd class districts, or "district" for 3rd class districts].
- b. Will serve at the pleasure of the judges of the district court.
- c. Will take the constitutional oath of office.
- d. Will file a performance bond in the amount of \$50,000 with the _____ treasurer and chief judge.
- e. Will complete a training course in traffic law adjudication and sanctions given by the State Court Administrator's Office.

3. Magistrate [insert full name of magistrate] is authorized to perform the following duties:

- a. To arraign and sentence upon pleas of guilty or nolo contendere for violations of the following acts or parts of acts, or a local ordinance substantially corresponding to these acts or parts of acts, when authorized by the chief judge of the district court and if the maximum permissible punishment does not exceed 90 days in jail or a fine, or both:

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1) SPORT FISHING SECTION OF THE NATURAL RESOURCES AND ENVIRONMENTAL PROTECTION ACT, Act No. 451 of the Public Acts of 1994, being sections 324.48701 to 324.48740 of the Michigan Compiled laws;

2) WILDLIFE CONSERVATION SECTION OF THE NATURAL RESOURCES AND ENVIRONMENTAL PROTECTION ACT, Act No. 451 of the Public Acts of 1994, being sections 324.40101 to 324.40199 of the Michigan Compiled Laws;

3) MARINE SAFETY SECTION OF THE NATURAL RESOURCES AND ENVIRONMENTAL PROTECTION ACT, Act No. 451 of the Public Acts of 1994, being sections 324.80101 to 324.80199, except for violations of section 80176(1) and (3) of the Michigan Compiled Laws;

4) THE MOTOR CARRIER ACT, Act No. 254 of the Public Acts of 1933, as amended, being sections 475.1 to 479.43 of the Michigan Compiled Laws;

5) MOTOR CARRIER SAFETY ACT of 1963, Act No. 181 of the Public Acts of 1963, as amended, being sections 480.11 to 480.22 of the Michigan Compiled Laws;

6) DOG LAW OF 1919, Act No. 339 of the Public Acts of 1919, as amended, being sections 287.261 to 287.290 of the Michigan Compiled Laws;

7) MICHIGAN LIQUOR CONTROL CODE of the Public Acts of 1998, as amended, being sections 436.1703 and 436.1915. Possession of an alcoholic beverage by a person under 21 years of age. Consumption of an alcoholic beverage in public parks or places of amusement not licensed to sell for consumption on the premises;

8) GENERAL POWERS AND DUTIES SECTION OF THE NATURAL RESOURCES AND ENVIRONMENTAL PROTECTION ACT, Act No. 451 of the Public Acts of 1994, being sections 324.501 to 324.511 of the Michigan Compiled Laws;

9) LITTERING SECTION OF THE NATURAL RESOURCES AND ENVIRONMENTAL PROTECTION ACT, Act No. 451 of the Public Acts of 1994, being sections 324.8901 to 324.8907 of the Michigan Compiled Laws;

10) HUNTING AND FISHING LICENSES SECTION OF THE NATURAL RESOURCES AND ENVIRONMENTAL PROTECTION ACT, Act No. 451 of the Public Acts of 1994, being sections 324.43501 to 324.43561 of the Michigan Compiled Laws;

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11) RECREATIONAL TRESPASS ACT, Act No. 451 of the Public Acts of 1994, being sections 324.73101 to 324.73111 of the Michigan Compiled Laws; and

12) Chapter LXXXV of the Michigan penal code, Act No. 328 of the Public Acts of 1931, being sections 750.546 to 750.552b of the Michigan Compiled Laws. Include prohibitions on illegal dumping of garbage or trash.

b. To arraign and sentence upon pleas of guilty or nolo contendere for violations of the MICHIGAN VEHICLE CODE, Act No. 300 of the Public Acts of 1949, as amended, being sections 257.1 to 257.923 of the Michigan Compiled Laws or a local ordinance substantially corresponding to a provision of the Michigan Vehicle Code except for violations of MCL 257.625 and 257.625m or a local ordinance substantially corresponding to a provision of MCL 257.625 and 257.625m when authorized by the chief judge of the district court and if the maximum permissible punishment does not exceed 93 days in jail or a fine, or both. However, the magistrate may have the jurisdiction to arraign defendants and set bond with regard to violations of MCL 257.625 and 257.625m or a local ordinance substantially corresponding to MCL 257.625 and 257.625m.

c. To arraign and sentence upon pleas of guilty or nolo contendere for violations of the following acts or a local ordinance substantially corresponding to a provision of the following acts except for violations of MCL 324.81134, 324.81135, 324.82128, and 324.82129 or a local ordinance substantially corresponding to MCL 324.81134, 324.81135, 324.82128, and 324.82129 when authorized by the chief judge of the district court and if the maximum permissible punishment does not exceed 93 days in jail or a fine, or both. However, the magistrate may have the jurisdiction to arraign defendants and set bond with regard to violations of MCL 324.81134, 324.81135, 324.82128, and 324.82129:

1) SNOWMOBILE SECTION OF THE NATURAL RESOURCES AND ENVIRONMENTAL PROTECTION ACT, Act No. 451 of the Public Acts of 1994, being sections 324.82101 to 324.82160 of the Michigan Compiled Laws; and

2) OFF-ROAD RECREATION VEHICLES SECTION OF THE NATURAL RESOURCES AND ENVIRONMENTAL PROTECTION ACT, Act No. 451 of the Public Acts of 1994, being sections 324.81101 to 324.81150 of the Michigan Compiled Laws. (OFF ROAD RECREATIONAL VEHICLES).

d. Issue misdemeanor and felony warrants for the arrest of a person upon the written authorization of the prosecuting or municipal attorney and set pre-arraignment bond, except written authorization shall not be required for a vehicle law or ordinance violation within the jurisdiction of the magistrate if a police officer issued a traffic citation pursuant to section 728 of the Michigan Vehicle Code, Act No. 300 of the Public Acts of 1949, as amended, being section 257.728 of the Michigan Compiled Laws, and the defendant failed to appear.

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e. Fix bail and accept bond in all criminal cases. [MCL 600.8511] Set bond and order the defendant to appear before the circuit court in the county for a hearing when the person has been arrested for violation of a personal protection order and the circuit court judge may not be present or available within 24 hours after arrest. [MCL 764.15b]

f. Hear and preside over civil infraction admissions and admissions with explanation and conduct informal hearings in civil infraction actions, including imposition of civil sanction. Informal hearings involving a traffic or parking violation shall not be conducted until the magistrate has completed special training course in traffic law adjudication and sanctions.

g. Hear and preside over municipal civil infraction admissions and admissions with explanation and conduct informal hearings in municipal civil infraction actions, including imposition of all sanctions allowed by statute, under the authority of MCL 600.8512, MCL 600.8719, and other applicable sections of this Act.

h. Hear and preside over state civil infraction admissions and admissions with explanation and conduct informal hearings in state civil infraction actions, including imposition of all sanctions allowed by statute, under the authority of MCL 600.8512, MCL 600.8819, and other applicable sections of this Act.

i. Conduct the first appearance of a defendant before the court in all criminal and ordinance violation cases, including acceptance of any written demand or waiver of preliminary examination and acceptance of any written demand or waiver of jury trial, except that she/he may not accept a plea of guilty or nolo contendere not expressly authorized pursuant to MCL 600.8511 or MCL 600.8512a.

j. Approve and grant petitions for the appointment of an attorney to represent an indigent defendant accused of any misdemeanor offense punishable by imprisonment for not more than one year or ordinance punishable by imprisonment.

k. Suspend payment of court fees by an indigent party of any civil, small claims, or summary proceedings action, until after judgment has been entered.

l. Upon written authorization of the prosecuting or city attorney, sign a nolle prosequi, dismissing any criminal or ordinance violation case over which the district has jurisdiction and release any bail bond or bail bond deposit to the persons entitled thereto. However, if the preliminary examination or trial has commenced or a plea of guilty or nolo contendere has been accepted by a district court judge, the dismissal order may be entered only by that judge or his or her alternate.

m. Issue search warrants [under general authorization.] *or* [under specific authorization on individual cases.] *(court shall choose one of these options)*

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n. Issue search warrants pursuant to MCL 600.8511(d) for the purpose of procuring blood samples in cases where there is probable cause to believe that the crime of Operating Under the Influence of Liquor, Operation Under the Influence of Controlled Substance, and/or Unlawful Blood Alcohol Content has occurred.

o. Execute and issue process to carry into effect authority expressly granted by law to district court magistrates.

p. Perform marriages and charge a fee of \$10 which shall be deposited with the court for transmission to the funding unit at the end of each month (MCL 600.8316).

q. Issue a summons and other orders, conduct a hearing, and make necessary orders regarding an animal alleged to be dangerous and to have caused serious injury or death to a person or dog to appear and show cause why the animal should not be destroyed. (MCL 287.322)

4. [For first-class, multi-county districts only] Magistrate _____ is authorized to serve as magistrate in _____ county and _____ county.

Effective Date:

Date:

Chief Judge Signature: